

FILED

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2019 AUG -1 P 3:38

EMMANUEL OGEBE,

Plaintiff,

v.

DOW JONES & COMPANY, DREW
HINSHAW, JOE PARKINSON, AND
GBENGA AKINGBULE,

Defendants.

Civil No. 1:19-cv-00426-LO-IDD

**OPPOSITION TO 1ST DEFENDANT'S APPLICATION TO
TO FILE AUDIOVISUAL EVIDENCE**

In response to Defendant Dow Jones & Company's, Inc. d/b/a *The Wall Street Journal* ("Defendant" or "WSJ"), through counsel, application to move this Court for entry of an Order allowing them to file an audiovisual exhibit, to wit, a 911 call recording along with their motion to dismiss, Plaintiff Emmanuel Ogebe in opposition thereto, hereby states as follows:

1. Plaintiff commenced this action on April 10, 2019. *See* Dkt. 1.
2. Plaintiff served the Complaint upon 1st Defendant on June 19, 2019.
3. The time for Defendant to file a responsive pleading was extended by the court, on the motion and stipulation of 1st Defendant that no party would be prejudiced by the modification of the schedule requested, to July 24, 2019.
4. On July 24, 2019, Defendant's counsel e-mailed Plaintiff Ogebe indicating their intent to file a 911 Recording along with a motion to dismiss.
5. Counsel for WSJ conferred with Plaintiff, on Monday, July 22nd pursuant to rules of court requiring pre-motion conference to narrow down areas of disagreement, and this issue did not come up.
6. Plaintiff objects to the Defendant's last minute request to include a 911 phone

recording in its motion to dismiss as it would palpably be prejudicial to Plaintiff who has been more than accommodating to the Defendant. Issues of evidence should be adduced to in pleadings and extrapolated on in trial. After the delay in Plaintiff's opportunity to proceed with his case on schedule, and not having afforded him an opportunity to present same, Defendant now seeks to present evidence ahead of and leap-frogging the plaintiff.

7. 1st Defendant's prayer, in its motion filed on July 19, 2019, sought for leave to file in excess of 30 pages, for the express purpose of addressing the "choice of law, constitutional, common law and statutory issues." Defendant's request did not include a request for adducing **substantive evidence** but was strictly limited to **points of law**.

8. The order of this court, delivered on July 22nd, 2019, expressly stated thus, "It is hereby ordered that Defendant Dow Jones & Company, Inc. has leave to exceed the page limit in Local Civil Rule 7(F)(3) by five (5) pages for its Memorandum of Points and Authorities in support of its motion to dismiss." The Order of this Honorable Court is clearly confined to points of law and authorities.

9. WHEREFORE, Plaintiff Emmanuel Ogebe respectfully requests that the Court enter an Order denying Defendant's request to introduce an audiovisual exhibit of a 911 recording or any other evidentiary issues contrary to Defendant's own prior prayer and outside the scope of the Court's Order.

10. Dated: August _1_, 2019

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Plaintiff Pro Se

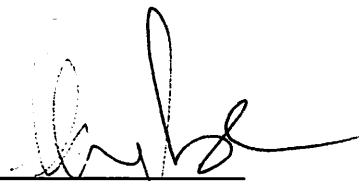
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Counsel for Defendant Dow Jones & Co.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of August, 2019, I caused a copy of the foregoing to be filed electronically with the Clerk of Court using the ~~CM/ECF~~^{EO} system, which will then send a notification of such filing to all interested parties.

I further certify that I did not receive the assistance of counsel in preparing this motion.



Emmanuel Ogebe